
*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 1360
CONNECTION TEL 00017037467239
SUBADDRESS
CONNECTION ID
ST. TIME 27/08 17:21
USAGE T 14' 27
PGS. 45
RESULT OK

FAX RECEIVED

NOV 15 2002

PETITIONS OFFICE

Facsimile Cover Sheet



Medtronic
When Life Depends on Medical Technology

Bakken Research Center
Endepolsdomein 6
6229 GW Maastricht
The Netherlands



27581

To: Examiner Beatriz Prieto
TC 2100 Before Final
Fax (703) 746-7239

Subject: Reply to Office Action for:
Serial No. 09/348,506; Filed 07/07/1999
Docket No. P-8027.00

From: Eric R. Waldkoetter, Reg. No. 36,713
Tel 011 (31-43) 356-6845; Fax 011 (31-43) 356-6521
eric.waldkoetter@medtronic.com

Date: August 27, 2002

Total Pages 46 (including this cover sheet)

Sir or Madam,

Please kindly deliver this facsimile promptly to the Examiner listed above.

Respectfully,

Eric Waldkoetter

3 308 6916

*** RX REPORT ***

RECEPTION OK

TX/RX NO	8892
CONNECTION TEL	31 43 3566521
CONNECTION ID	LEGAL BRC
START TIME	11/15(FR)04:54
USAGE TIME	02'41"
PGS.	8
RESULT	OK

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PTO/SB/21 (08-00)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/348,506	
	Filing Date	07/07/1999	
	First Named Inventor	Ferek-Petric	
	Group Art Unit	2142	
	Examiner Name	Beatriz Prieto	
Total Number of Pages in This Submission	8	Attorney Docket Number	P-8027.00

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Box DAC Commissioner for Patents Washington, D.C. 20231 Office of Petitions Fax (703) 308-6916		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Medtronic, Inc., USPTO Customer No. 27581 Eric R. Waldkoetter, Reg. No. 36,713
Signature	<i>Eric R. Waldkoetter</i> Tel 011 (31-43) 356-6045 Fax 011 (31-43) 356-6521
Date	15 NOV 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: _____			
Typed or printed name			
Signature		Date	

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PTO/SB/17 (10-01)

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PETITIONS OFFICE

**FEE TRANSMITTAL
for FY 2002**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 1280.00

Complete if Known

Application Number	09/348,506
Filing Date	07/07/1999
First Named Inventor	Ferek-Petric
Examiner Name	Beatriz Prieto
Group Art Unit	2142
Attorney Docket No.	P-8027.00

METHOD OF PAYMENT

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number	13-2546
Deposit Account Name	Medtronic, Inc.

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.18 and 1.17
- ☐ Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent Claims	-3** =	X	

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	1280.00
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	820	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.128(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 1280.00

SUBMITTED BY

Name (Print/Type) Eric R. Waldkoetter

Registration No. (Attorney/Agent) 36,713

Complete (if applicable)

Telephone 011 (31-43) 356-6845

Signature

Eric R. Waldkoetter

Date

15 NOV 02

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

#9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ferek-Petric

Examiner: Beatriz Prieto

Serial No. 09/348,506

Art Unit: 2142

Filed: 07/07/1999

)

Confirmation No. 5334

Certificate of Mailing or Transmission 37 CFR § 1.8

Title: System for remote communication with a medical device

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Docket No. P-8027.00

1

2

1

;

)

15 Nov 2002 (date)

Ernest W. Wadsworth

Eric R. Waldkoetter

Box DAC
Commissioner for Patents
Washington, D.C. 20231

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PETITIONS OFFICE

**PETITION FOR REVIVAL OF UNINTENTIONALLY ABANDONED
APPLICATION UNDER 37 C.F.R. § 1.137(b)**

Applicant respectfully petitions for revival of the above-captioned patent application that was unintentionally abandoned according to a Notice Of Abandonment mailed October 22, 2002 (copy attached).

The required reply to the Office action mailed February 27, 2002 was transmitted by facsimile on August 27, 2002 with a petition for a three-month extension of time in which to respond to the outstanding Office action extending the response period to August 27, 2002. A copy of the reply and facsimile transmission confirmation is attached. It is submitted that the reply was timely filed; therefore, the applicant respectfully requests that the petition fee be waived. A fee transmittal for accompanies this petition to charge Deposit Account No. 13-2546 for Medtronic, Inc. the appropriate fee in case the petition fee is not waived.

09/348,506

Art Unit 2142

P-8027.00

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. In fact, as submitted above, it is believed that the reply was timely filed.

Respectfully submitted,

Date: 15 NOV 2002
Medtronic, Inc.
USPTO Customer No. 27581
710 Medtronic Parkway (MS-LC340)
Minneapolis, MN 55432-5604

Attachments:

- Notice of Abandonment (copy); and,
- Reply transmittal and fax confirmation.


Eric R. Waldkoetter
Attorney Reg. No. 36,713
Located in The Netherlands (ET + 6 hours)
Office Tel 011 (31-43) 356-6845
Cell Tel 011 (31) 6 5155-9936
Office Fax 011 (31-43) 356-6521
eric.waldkoetter@medtronic.com



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20531
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/348,506	07/07/1999	BOZIDAR FEREC-PETRIC	P-8027	5334

27581 7590 10/22/2002

MEDTRONIC, INC.
710 MEDTRONIC PARKWAY NE
MS-LC340
MINNEAPOLIS, MN 55432-5604

EXAMINER

PRIETO, BEATRIZ

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 10/22/2002

11-23-2002 Notice of Abandonment

Please find below and/or attached an Office communication concerning this application or proceeding.

FAX RECEIVED
NOV 15 2002
PETITIONS OFFICE

OCT 29 2002

Notice of Abandonment	Application No.	Applicant(s)	
	09/348,506	FEREK-PETRIC, BOZIDAR	
	Examiner	Art Unit	
	B. PRIETO	2142	

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PETITIONS OFFICE

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 27 February 2002.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


MARK H. RINEHART
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

10/18/02
(18)

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/348,506	
	Filing Date	07/07/1999	
	First Named Inventor	Ferek-Petric	
	Group Art Unit	2152	
	Examiner Name	Beatriz Prieto	
Total Number of Pages in This Submission	44	Attorney Docket Number	P-8027.00

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ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Box Non-Fee Amendment Commissioner for Patents Washington, D.C. 20231 TC2100 Before Final Fax (703) 746-7239		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Medtronic, Inc., USPTO Customer No. 27581 Eric R. Waldkoetter, Reg. No. 36,713
Signature	<i>Eric R. Waldkoetter</i>
Date	27 AUG 02

CERTIFICATE OF MAILING

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Typed or printed name		_____	
Signature	_____	Date	_____

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